

REMARKS

Entry of this Rule 312 Amendment is requested because it corrects a typographical error in the specification and requests rejoinder of method claims 5-7 as required by MPEP 821.04.

Amendment to the Specification

The amendment to the specification corrects a minor typographical error. Therefore, entry is respectfully requested.

Rejoinder and Allowance of Process Claims 5-7

In the Examiner's Amendment, claims 5-7 have been canceled. However, as noted in the Response to Restriction Requirement filed September 9, 2004, and in the Amendment filed on April 19, 2005, upon allowance of the elected claims, applicant will be permitted to request rejoinder of process claims 5-7 in accordance with MPEP 821.04 and *In re Ochiai*, 71 F.3d 1565 USPQ2d 1127 (Fed. Cir. 1995). Accordingly, applicant respectfully requests rejoinder of withdrawn claims 5-7.

MPEP 821.04 states that "[h]owever, if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or *otherwise include all the limitations of the allowable product claim will be rejoined.*"

In the instant case applicant has elected claims directed to a product, and withdrawn process claim 5 (as amended in the amendment filed April 19, 2005) which *includes all the limitations* of allowed product claim 1 is eligible to be rejoined and allowed as required by MPEP 821.04. Accordingly, applicant respectfully requests that withdrawn process claim 5 should be rejoined and allowed. Claims 6-7 depend from claim 5, either directly or indirectly, and should also be rejoined and allowed.

If there are any questions, the examiner is respectfully requested to contact the undersigned attorney at the number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.

Respectfully submitted,

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